

# COMMITTEE OF BAR EXAMINERS

## OPEN SESSION AGENDA ITEM

**AGENDA ITEM:** August 2018 – O-405

**DATE:** August 13, 2018

**TO:** Committee of Bar Examiners

**FROM:** Natalie Leonard, Program Manager, Educational Standards

**SUBJECT:** **2018 Minimum Cumulative Bar Pass Rate Reporting  
for California Accredited Law Schools**

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### SUMMARY

All California Accredited Law Schools (CALS) must maintain a Minimum Five-Year Cumulative Bar Passage Rate (MPR) of 40% or more under Rule 4.160(N) and Guideline 12.1 of the Rules and Guidelines for Accredited Law Schools.

The 2018 MPR calculations document each school's California Bar Examination (CBX) passage rate for students who graduated during the five-year Reporting Period from August 1, 2012 through July 31, 2017.

All fifteen CALS have reported their MPRs. (Attachment A). Thirteen schools reported pass rates above the 40% minimum compliance threshold. Two schools reported an MPR below 40%: Pacific Coast University, School of Law and Southern California Institute of Law. It is recommended that Notices of Noncompliance be issued to those schools.

### BACKGROUND

#### *Creation of and Calculation of the MPR*

Rule 4.160(N) requires all CALS to “maintain a minimum, cumulative bar examination pass rate as determined and used by the Committee [of Bar Examiners] in the evaluation of the qualitative soundness of a law school's program of legal education.”

The Committee set the MPR at 40% after conducting a pilot reporting program and collecting feedback from the Committee's Advisory Committee on California Accredited Law School Rules (RAC). Guideline 12.1 contains the formula for calculating the MPR. In 2018, the MPR reports the CBX pass rate percentage for students who graduated during the five-year Reporting Period between August 1, 2012 and July 31, 2017 and

took<sup>1</sup> the CBX at any time during that same Reporting Period or during the February 2018 CBX, if the student graduated within ten administrations of the February 2018 CBX.<sup>2</sup> Graduates who never took the CBX are not included in the MPR calculation.

### *Implementation History for the MPR*

The CALS last reported their MPRs in 2015. After that, the Committee temporarily suspended the reporting requirement in 2016 and 2017 because it was unable to release CBX pass/fail lists to law schools during that period.

In December 2017, the Committee reinstated MPR reporting requirement and asked all CALS submit MPRs in July 2018. The Committee also began distributing CBX pass/fail lists to the law schools again.

The schools reported their MPR's in July 2018 using a form created by staff and incorporating feedback from the law schools gathered through the RAC.

## **DISCUSSION**

### *2018 MPR Reporting General Statistics*

Thirteen of the fifteen CALS maintained the required MPR of 40% or more, as reported by the school and verified by the State Bar. The average pass rate across all of the CALS was 53.0%, down from 58.5% when the MPR was last reported in 2015. San Joaquin College of Law reported the highest MPR, with 77.4% of its graduates cumulatively passing the CBX within the Reporting Period. Eight schools reported MPRs of at least 50%, while five CALS reported MPRs above 40% but below 50%.

Staff recommends that these MPR calculations be published on the State Bar's website and approved for incorporation into each school's disclosures.

### *Next Steps for Noncompliant CALS*

Guideline 12.2 prescribes that "[i]f the Committee finds that a law school is not in compliance with this Guideline [12.1], it will issue a Notice of Noncompliance pursuant to

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<sup>1</sup> The Bar defines a taker of the CBX as a person who attended all sessions of a CBX. The MPR calculation includes the results of "qualified takers," who are examinees that attended all sessions of the CBX and graduated during the five-year Reporting Period.

<sup>2</sup> Guideline 12.1 describes the MPR calculation as follows: "A law school's MPR is to be calculated as a fraction that is the sum of all qualified takers for the reporting period who passed any administration of the CBX during the reporting period or the first February administration after the reporting period that was no more than 10 administrations after the taker's graduation (the numerator) divided by the sum of all qualified takers for the reporting period who, whether they passed or failed, took any administration of the CBX during the reporting period or the first February administration after the reporting period that was also no more than 10 administrations after the taker's graduation (the denominator), with the resulting numeral being expressed as a percentage."

Rule 4.170.” As part of that process, the schools are offered the opportunity to respond with the details of their plans to raise their MPRs to a compliant level.

Pacific Coast University, School of Law and Southern California Institute of Law reported 2018 MPRs that were below the 40% minimum required under Guideline 12.1, both at 26.4% respectively.

It may be helpful to review a summary of the prior correspondence exchanged with these schools regarding their MPRs. In 2015, these schools also reported noncompliant MPRs and the Committee issued Notices of Noncompliance to both schools. Though the schools were not technically required to report their MPRs in 2017, the State Bar calculated MPRs for all CALS using internal data in order to prepare for a Committee discussion about when and how to reinstate the requirement to calculate MPRs. Based on those findings, staff sent courtesy letters to these schools advising that the State Bar’s internal data continued to show that the schools’ MPRs that were well below 40%, and that they should take all steps to remedy the situation because the Committee was hoping to reinstate the MPR reporting soon. In 2018, both schools again reported MPRs that were below the 40% minimum.

## **RECOMMENDATION**

It is recommended that the CALS Minimum, Cumulative Bar Examination Pass Rates be received and filed, published on the State Bar’s website, and approved for publication by the respective schools. It is also recommended that Notices of Noncompliance be issued to those CALS with an MPR below 40%.

## **PROPOSED MOTION**

Should the Committee of Bar Examiners agree with this recommendation, the following motion is suggested:

Move that the Report on Submission of California Accredited Law Schools 2018 Annual Cumulative Bar Examination Pass Rates be received and filed; that the 2018 Minimum, Cumulative Bar Examination pass rates by school be authorized for publication; and that Notices of Noncompliance be issued to Pacific Coast University, School of Law and Southern California Institute of Law.

## 2018 Minimum Five-Year Cumulative Bar Passage Rate (MPR) California Accredited Law Schools

**Reporting Period: August 1, 2012 - July 31, 2017**

Calculated and reported pursuant to Rule 4.160 (N) and Guideline 12.1 of the Rules and Guidelines for  
California Accredited Law Schools

<b>LAW SCHOOL</b>	<b>Cumulative California Bar</b>	<b>Number of Qualified Takers</b>	<b>Total Number of Qualified Takers</b>
San Joaquin College of Law	77.4%	168	217
Cal Northern School of Law	72.9%	35	48
Glendale University College of Law	66.7%	62	93
Lincoln Law School of Sacramento	66.7%	154	231
The Santa Barbara and Ventura Colleges of Law	58.9%	109	185
Lincoln Law School of San Jose	56.1%	37	66
Empire College School of Law	55.4%	46	83
University of West Los Angeles School of Law	54.1%	145	268
John F. Kennedy University College of Law	48.8%	81	166
Monterey College of Law	47.9%	46	96
San Francisco Law School	47.0%	31	66
Humphreys University - Drivon School of Law	45.6%	72	158
Trinity Law School	44.6%	112	251
Pacific Coast University, School of Law	26.4%	38	144
Southern California Institute of Law	26.4%	19	72

<b>Average</b>	<b>53.0%</b>
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Note: The five-year Reporting Period/Graduation Period for Qualified Takers included in this calculation is August 1, 2012 through July 31, 2017. The calculation includes results for these students on the California Bar Examinations taking place during the reporting period or during the February 2018 California Bar Examination if the student graduated within ten administrations of that examination.